

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

COMMUNICATION SERVICE FOR THE  
DEAF, INC.,

Plaintiff,

vs.

FIRST ADMINISTRATORS, INC., RMTS,  
L.L.C. and GERBER LIFE INSURANCE  
COMPANY

Defendants.

and

FIRST ADMINISTRATORS, INC.,

Third-Party Plaintiff,

vs.

HAAKE COMPANIES, A MARSH &  
MCCLELLAN AGENCY LLC COMPANY,

Third-Party Defendant.

CIV. 10-4134

**STIPULATED MOTION TO DISMISS  
HAAKE COMPANIES' CROSS-CLAIM  
AS TO RMTS, L.L.C. AND GERBER LIFE  
INSURANCE COMPANY**

Come now the parties, by and through their undersigned counsel, and move for dismissal with prejudice of the Cross-Claim of Haake Companies ("Cross-Claim") as it relates to Gerber Life Insurance Company ("Gerber") and RMTS, L.L.C. ("RMTS"), with all parties bearing their own costs, expenses, and attorneys' fees. The Cross-Claim is only dismissed as to Gerber and RMTS, and nothing herein shall be construed as a dismissal or as otherwise affecting the Cross-Claim as it relates to First Administrators, Inc.

WHEREFORE, the parties respectfully request that the Cross-Claim be dismissed with prejudice as to Gerber and RMTS.

Dated this <sup>November</sup> 16<sup>th</sup> day of ~~October~~, 2012.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By: 

Eric R. Kerkvliet  
Jennifer L. Ferris  
Attorneys for Plaintiff  
P.O. Box 2700  
Sioux Falls, SD 57101-2700

Dated this 26<sup>th</sup> day of October, 2012.

HAGEN, WILKA & ARCHER, LLP

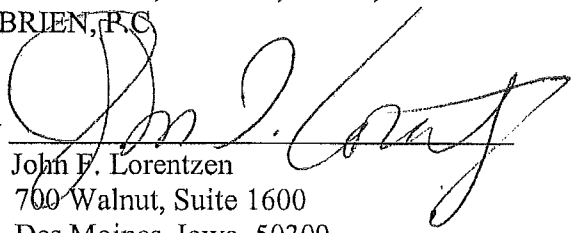
By 

Thomas K. Wilka  
600 S. Main Avenue, Suite 102  
P.O. Box 964  
Sioux Falls, SD 57101-0964

Dated this 20 day of November, 2012.

NYEMASTER, GOODE, WEST, HANSELL &  
O'BRIEN, P.C.

By

  
John F. Lorentzen  
700 Walnut, Suite 1600  
Des Moines, Iowa 50309

and

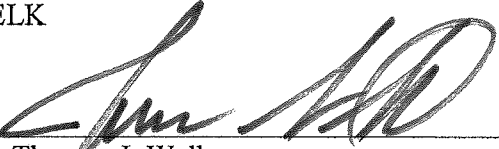
WOODS, FULLER, SCHULTZ & SMITH

Kristine O'Connell  
300 South Phillips Ave., Suite 300  
PO Box 5027  
Sioux Falls, SD 57117-5027

Dated this 14<sup>th</sup> day of January, 2013  
~~November, 2012.~~

BOYCE, GREENFIELD, PASHBY &  
WELK

By

  
Thomas J. Welk  
Jason Sutton  
Meghann M. Joyce  
PO Box 5015  
Sioux Falls, SD 57117-5015

**CERTIFICATE OF SERVICE**

I certify that on 18<sup>th</sup> day of January, 2013, the foregoing *Stipulated Motion to Dismiss Haake Companies' Cross-Claim as to RMTS, L.L.C. and Gerber Life Insurance Company* was filed with the United States District Court, District of South Dakota, Southern Division, by using the CM/ECF system, which will electronically serve copies on the following:

Thomas K. Wilka  
Hagen Wilka & Archer, LLP  
600 S. Main Avenue, Suite 102,  
Sioux Falls, SD 57104

Kristine O'Connell  
Woods, Fuller, Schultz & Smith  
300 South Phillips Ave.  
Suite 300, PO Box 5027  
Sioux Falls, SD 57117-5027

John F. Lorentzen,  
Nyemaster Goode, P.C.,  
700 Walnut Street  
Suite 1600  
Des Moines, IA 50309

Thomas J. Welk  
Jason Sutton  
Meghann M. Joyce  
Boyce, Greenfield, Pashby & Welk, LLP  
300 South Main Avenue; PO Box 5015  
Sioux Falls, SD 57117

/s/ Eric R. Kerkvliet  
Eric R. Kerkvliet